

ROGER B. KING
Name and Prisoner/Booking Number

WINNER CITY JAIL
Place of Confinement

217 E. 3RD ST.
Mailing Address

WINNER SD. 57580
City, State, Zip Code

FILED

JUN 29 2012


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
DIVISION

ROGER RAINES KING
(Full Name of Plaintiff)

Case No. 12-4120
(To be supplied by the Clerk)

Plaintiff,
MD. TONY L. BERG,
MAYOR JESS KESSE,
PAUL SCHODER,
LORI KALENDIA,
(Full Name of Each Defendant)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

- Original Complaint
 First Amended Complaint
 Second Amended Complaint

Defendants.

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:
 - a. 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
 - b. 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
 - c. Other: (Please specify.) _____

2. Name of Plaintiff: ROGER RAINES KING.
Present mailing address: 217 EAST 3RD ST. WINNER SD 57580
(Failure to notify the Court of any change of address may result in dismissal of this action.)

Institution/city where violation occurred: WINNER CITY JAIL

JURY TRIAL DEMANDED, CIVIL RIGHTS COMPLAINT
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3. Name of first Defendant: CHIP SCHORER. The first Defendant is employed as:
SHERIFF at TRIPP COUNTY WINNER S.D.
(Position and Title) (Institution)

This Defendant is sued in his/her: individual capacity official capacity (check one or both)
Explain how this Defendant was acting under color of law: EMPLOYMENT

4. Name of second Defendant: RICHARD BERTROM. The second Defendant is employed as:
SERGEANT at WINNER CITY JAIL
(Position and Title) (Institution)

This Defendant is sued in his/her: individual capacity official capacity (check one or both)
Explain how this Defendant was acting under color of law: EMPLOYMENT

5. Name of third Defendant: TRENT SINKLIR. The third Defendant is employed as:
ASSISTANT CHIEF at WINNER CITY JAIL
(Position and Title) (Institution)

This Defendant is sued in his/her: individual capacity official capacity (check one or both)
Explain how this Defendant was acting under color of law: EMPLOYMENT

6. Name of fourth Defendant: LORI KALENKA. The fourth Defendant is employed as:
JAIL ADMINISTRATOR at WINNER CITY JAIL
(Position and Title) (Institution)

This Defendant is sued in his/her: individual capacity official capacity (check one or both)
Explain how this Defendant was acting under color of law: EMPLOYMENT

(If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.)

B. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If your answer is "yes," how many lawsuits have you filed? _____. Describe the previous lawsuits in the spaces provided below.
3. First prior lawsuit:
 - a. Parties to previous lawsuit:
Plaintiff: _____
Defendants: _____

JURY TRIAL DEMANDED CIVIL RIGHTS COMPLAINT BY A
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- b. Court: (If federal court, identify the district; if state court, identify the county.) _____
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____
4. Second prior lawsuit:
- a. Parties to previous lawsuit:
Plaintiff: _____
Defendants: _____
- b. Court: (If federal court, identify the district; if state court, identify the county.) _____
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____
5. Third prior lawsuit:
- a. Parties to previous lawsuit:
Plaintiff: _____
Defendants: _____
- b. Court: (If federal court, identify the district; if state court, identify the county.) _____
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____

(If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.)

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C. CAUSE OF ACTION

COUNT I

1. The following constitutional or other federal right has been violated by the Defendant(s):

14TH AMENDMENT.

DUE PROCESS

2. Count I involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)
- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Medical care | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ |

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

ALL DEFENDANTS ARE GUILTY BY KNOWING OF EXCESSIVE IMMINENT DANGER OF EXCESSIVE CHRONIC PAIN, TO THE POINT OF DEATH IF NO CARE.

LEFT MY WITHOUT ANTI-BOTIC, PAIN MEDICATIONS FOR A FULL 10 DAYS FROM 10/16/12 TO 10/26/12

MD. BURG STILL NOT PUT ME ON PROPER MEDICATIONS MEDICAL RECORDS WILL FOLLOWED IN THIS CASE. SHOULD BE ON ACCOMODATE FOR PAIN REMOVE TONSILS 10/6/12 WINNER REGIONAL HOSPITAL SOUTH DAKOTA,

ALL DEFENDANTS AWARE BUT DISREGARDED EXCESSIVE CHRONIC PAIN, INFECTION.

4. Injury: (State how you have been injured by the actions or inactions of the Defendant(s)).

MEDICAL ANXIETY, IMMINENT EXCESSIVE DANGER OF PHYSICAL PAIN

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count I? Yes No
- c. Did you appeal your request for relief on Count I to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. MEDICAL REQUESTS, GRIEVANCE WILL BE SENT IF I CAN OBTAIN?

JURY TRIAL DEMANDED, CIVIL RIGHTS COMPLAINT BY A PRISONER

CIVIL RIGHTS COMPLAINT

COUNT II

1. The following constitutional or other federal right has been violated by the Defendant(s): 14TH AMENDMENT. DUE PROCESS

2. Count II involves: (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count)
- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Medical care | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ |
3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

ALL MEDICAL REQUEST NOT ANSWERED A FULL
10 days GRIEVANCE NOT AT ALL.
TO THE POINT OF RECKLESSNESS BY
ALL DEFENDANTS OF A KNOWN RISK
OF DELIBERATE INDIFFERENCE REQUIRES
PROOF OF A RECKLESS DISREGARD OF A KNOWN
RISK, SERIOUS MEDICAL TREATMENT NEEDED
ALL OFFICIALS FAILED AND KNEW OF DELAY,
WITHOUT CAUSE OR REASON.

4. Injury: (State how you have been injured by the actions or inactions of the Defendant(s)).
BY SUBJECTIVE AND OBJECTIVE OF SERIOUS
HARM EXISTS OFFICIALS ALL BY KNOWING AND
Did Know TO THE POINT OF RECKLESSNESS.
5. Administrative Remedies:
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
 - Did you submit a request for administrative relief on Count II? Yes No
 - Did you appeal your request for relief on Count II to the highest level? Yes No
 - If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. WILL TRY TO OBTAIN BY THE COURT
THEIR IS CORRUPTION HERE, OFFICIALS DONT ANSWER

JURY TRIAL DEMANDED, CIVIL RIGHT COMPLAINT BY A PRISONER
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COUNT III

1. The following constitutional or other federal right has been violated by the Defendant(s):

U.S. CONSTITUTIONAL LAW 8TH, 14TH AMENDMENT

2. Count III involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)
- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Medical care | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Property |
| <input type="checkbox"/> Other: _____ | | |

3. Supporting Facts: (State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

All OFFICIALS IN THE STATE OF mind
OF KNOWING MY MEDICAL ISSUES RECKLESS
AND DELIBERATE DONE NOTHING UNTIL 10
days LATER AFTER THE fact showing
INDIFFERENCE, AND ARE CORRUPT HERE
BEEN CORRUPT, SO long THEY JUST dont
CARE!

4. Injury: (State how you have been injured by the actions or inactions of the Defendant(s)).

RECKLESS DISREGARD OF A KNOWN RISK
MENTAL ANGUISH, PHYSICAL EXCESSIVE PAIN.

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count III? Yes No
- c. Did you appeal your request for relief on Count III to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. WILL ATTEMPT TO OBTAIN THESE
FROM CORRUPT OFFICIALS.

(If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.)

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D. REQUEST FOR RELIEF

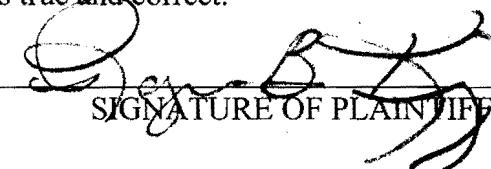
State briefly what you want the Court to do for you.

AMENDMENT 7. U.S. CONSTITUTION, IN SUITS AT COMMON LAW, WHERE THE VALUE IN CONTROVERSY SHALL EXCEED TWENTY DOLLARS, THE RIGHT BY A JURY SHALL BE PRESERVED, AND NO FACT TRIED BY A JURY SHALL BE OTHERWISE RE-EXAMINED IN ANY COURT OF THE UNITED STATES, THAN ACCORDING TO THE RULES OF THE COMMON LAW.

*THIS CASE IS JURY TRIAL DEMANDED AND
IN RELIEF OF 10 million DOLLARS AND
I AM COVERED BY 7TH AMENDMENT 14TH
AMENDMENT 1868 TREATY ENROLLED MEMBER
LOWER BURKE UNITED STATES CITIZEN*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on ROGER KING
DATE


SIGNATURE OF PLAINTIFF

(Name and title or paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach additional pages. The form, however, must be completely filled in to the extent applicable.

CIVIL RIGHTS COMPLAINT BY JURY TRIAL DEMANDED

CIVIL RIGHTS COMPLAINT

DEFENDANTS

- ① MAYOR - JESS KESSE
- ② PAUL SCHUETH - CHIEF OF POLICE, WINNER SD.
- ③ CHIP SCHORDER - SHERIFF OF TRIP COUNTY
- ④ LORI KALENDZ - TAIL ADMINISTRATOR
- ⑤ SGT. RICHARD BERTRAM
- ⑥ WINNER CITY OFFICIALS AND, COUNTY OFFICIALS
UNDER COLOR OF LAW, AND EXECUTIVE
ET AL,
- ⑦ MD TONY BURG OF WINNER REGIONAL
HOSPITAL WINNER SD. 57580

DO TO THE FACT PLAINTIFF IS ENROLLED
LOWER BURE ENROLLED MEMBER OF
THE SIOUX TRIBE, IS A UNITED STATES
CITIZEN ONLY, ENTITLES TO THE
WHOLE U.S. CONSTITUTION, AND PRECISE
CONSTITUTIONAL LAW VIOLATIONS,

14TH AND 8TH AMENDMENT, AND
ENTITLED TO DUE PROCESS OF
CONSTITUTIONAL RIGHTS OF 5, 6,TH,TH,TH
AMENDMENT AS WELL AS 8TH, 14TH,

I WAS DEPRIVED OF RIGHTS SECURED
BY THE UNITED STATES CONSTITUTION AND
LAWS OF THE UNITED STATES OF
MEDICAL TREATMENT FOR A FULL
10 DAYS. AS WELL AS MY CONFINED TO
SCRUTINY UNDER 8TH AMENDMENT
FARMER V. BRENNAN 511 U.S. 825,
832, 114 S.Ct 2475, 2480, 125 L.Ed.
2d, 22(1994); ALSO CITING

HELLING V. MCKINNEY 509 U.S 25 31/131
CT 2475 2480, 125 L.Ed.2d 22 1993).

PROOF IS CLEAR AFTER THE FACT
OF FULL 10 days INFECTION AND EXCESSIVE
PAIN PUT ON ANTI-BODIC, AND 800mg's
MOTRIN, STILL LACKING TRAMADOLE FOR
PAIN GIVEN TO ME BY THIS DOCTORS
ROSEBUD SD.

THE DELIBERATE INDIFFERENT STANDARD
IS APPLIED TO CONDITIONS OF CONFINEMENT
STANDARDS APPLIES 8TH AND 14TH
AMENDMENT HOLDEN V. HIRNER, 633
F.3d. 336, 341(8CIR 2011); KAHIE V.
LEONARD 477 F.3d, 544, 550
(8TH CIR. 2007)

SUBSTANTIAL RISK IS SERIOUS HARM
MEET OBJECTIVE COMPONENT) JAIL
OFFICIALS HAD A SUFFICIENTLY CAPABLE
STATE OF MIND - THEY did ACTUALLY

KNEW AND KNOW BUT DISREGARDED AND
WERE DELIBERATELY INDIFFERENT TO
MY HEALTH AND SAFETY, BY SEVERAL
MEDICAL REQUESTS AND GRIEVANCE

MOTION FOR COURT ORDER TO JAIL
ADMINISTRATOR OF MEDICAL REQUESTS
AND GRIEVANCE, STATE OFFICIALS
WERE PETITION UNDER 1ST AMENDMENT.

(THE SUBJECTIVE COMPONENT) HAS BEEN
MET CROW, 403 F.3d. AT 602 CITING
PAGE/S V. MORRISON 335 F.3d 736, 740
(8TH CIR. 2003) AND JACKSON V. EVERETT
140 F.3d 1149, 1151(8TH CIR 1998).

JAIL OFFICIALS WAS BOTH AWARE OF
FACTS FROM WHICH THE INFERENCE
COULD BE DRAWN, SUBSTANTIAL RISK
OF SERIOUS HARM EXISTED AND OFFICIALS
ACTUALLY DREW THAT INFERENCE.

CROW, 403 F.3d AT 602; FARMER, 511,
U.S. AT 837, 114 S. CT. AT 1979 SEE
ALSO HOTT V. HENNEPIN COUNTY, 260 F.3d.
901, 905 (8TH CIR 2001) THE 14TH →
(3.)

AMENDMENT GUARANTEES PRETRIAL
DETAINEES PROTECTION FROM DEPRIVATIONS
THAT ARE INTENDED TO PUNISH),
PERKINS V. GRIMES 161 F.3d 1127
1130 (8TH CIR 1998) (THE SUBJECTIVE
COMPONENT MUST BE MET BECAUSE
ONLY THE UNNECESSARY AND WANTON
INFILCTION OF PAIN IMPLICATES THE
8TH AMENDMENT CITING JENSEN V.
CLARKE 73 F.3d 808, 818 (8TH CIR 1996)
THE STATE OF MIND IS CLEAR PAIN
MEDICATION MOTRIN 800 MGS. BY
M.D. BURG CRUEL AND UNUSUAL PUNISH-
MENT IS CLEAR, BY STATE OF MIND
BY OFFICIAL'S FARMER U.S. AT 838,
114 S.CT AT 1979; WILSON V. SEITER 501
U.S. 294, 299, 111 S.C.T. 2321, 2324, 115
L.Ed. 2d. 271(1991) THE UNITED STATES
SUPREME COURT HAS DIRECTED THAT
THE STATE OF MIND WHICH IS SUFFICI-
ENTLY CAPABLE FOR PURPOSE OF AN
8TH AMENDMENT VIOLATION IS ONE →

PASSED AWAY BECAUSE EXCESSIVE INFECTION
AND PAIN DO TO WINNER CITY OFFICIAL
KNEW BUT DONE NOTHING FOR 10 DAYS
PUT MEDICAL REQUEST IN FOR FULL
10 DAYS AND GRIEVANCE CLEAR EVIDENCE
OF KNOWLEDGE OF JAIL OFFICIALS BY
ALL DEFENDANT AND A NOTICE OF
INTENT TO FILE SUIT REQUESTING
COURT ORDER FOR ALL INFORMATION.

CONSTITUTIONAL FACT AND BY LAW

RELIEF IS 20 MILLION DOLLARS, AND
COURT APPOINTED ATTORNEY UNDER
5, 6, AMENDMENT AND PROTECTION
OF 7TH AMENDMENT FOR JURY TRIAL
ONLY!

THIS 27TH DAY OF JUNE 2012

(S)

ROGER KING
Roger King